

THE HONORABLE LAUREN KING

UNITED STATES OF DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

LEO'S WELDING and FABRICATION, LLC, a
Washington limited liability company

Plaintiffs,

v.

HANNAH, Official Number 1067457, her
machinery, engines, equipment, cargo
appurtenances, *in rem* and SAYAK
LOGISTICS, LLC, an Alaska limited liability
company dba NORTHLINE SEAFOODS *in*
personam

Defendants.

Case No. 2:25-cv-00625-LK

DEFENDANT SAYAK
LOGISTICS, LLC' REPLY RE:
MOTION FOR ADDITIONAL
TIME TO RESPOND TO
PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT
(FED.R.CIV.P. 6(b)) AND/OR
SEEKING FED.R.CIV.P. 56(d)
RELIEF)

NOTE ON MOTION CALENDAR:
August 15, 2025

Per Court's request, the parties attempted to resolve this issue without Court
involvement but were not able to reach an agreement.

Sayak Logistics, LLC ("Sayak") met all the requirements of Fed.R.Civ.P. 56(d)
and the motion should be granted: the motion was timely, supported by declarations that
explained the relevant evidence needed to be obtained in discovery, and Sayak was not
dilatory in its discovery efforts to date.

DEF SAYAK LOGISTICS, LLC' REPLY RE:
MTN FOR ADDITIONAL TIME TO RESPOND TO
MSJ (FRCP 6(b)) AND/OR SEEKING FRCP 56(d)) - 1
Case No. 2:25-cv-00625-LK

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1. Leo's Welding argument that Sayak was not diligent because it should have been
2. engaging in discovery all along, even before the lawsuit is filed, misses the legal
3. requirement of the Rule 56(d). There is no requirement to conduct discovery before the
4. lawsuit is filed. Nor was there any reason for Sayak to do so – as Leo's Welding pointed
5. out, the parties were attempting to resolve the matter amenablely, outside litigation. Rather,
6. the requirement is that Sayak not be dilatory in conducting discovery after the lawsuit
7. was filed. Sayak provided a reasonable explanation why discovery was not conducted to
8. date. Indeed, the Order Regarding Initial Disclosures, Joint Status Report, and Early
9. Settlement (Docket 40) was not issued until August 1, 2025. And Discovery Plan per that
10. Order is not due until September 26, 2025. Under such circumstances, Sayak cannot be
11. found "non diligent" in its discovery efforts. *See, Valley Forge Ins. Co. v. Washington*
12. *Square Hotel Holdings, LLC.*, 2022 U.S.Dist.LEXIS 119956 (W.D.Wash. 2022, Judge
13. James L. Robart); *see also TMJ Haw., Inc. v. Nippon Trust Bank*, 16 Fed.Appx. 795 (9th
14. Cir. 2001).

15. The Ninth Circuit has held that a Rule 56(d) relief "should be granted almost as a
16. matter of course unless the non-moving party has not diligently pursued discovery of
17. evidence." *Burlington N. Santa Fe R.R.Co. v. The Assiniboine & Sioux Tribes of the Fort*
18. *Peck Reservation*, 323 F.3d 767, 773-74 (9th Cir. 2003). Because Sayak was not "not
19. diligent" in discovery of evidence and also demonstrated other requirements under
20. Fed.R.Civ.P. 56(d), it should be granted the relief requested: plaintiff's Motion for
21. Summary Judgment should be denied as premature.

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25. DEF SAYAK LOGISTICS, LLC' REPLY RE:
26. MTN FOR ADDITIONAL TIME TO RESPOND TO
MSJ (FRCP 6(b)) AND/OR SEEKING FRCP 56(d)) - 2
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1. DATED this 8th day of August, 2025.

2. HOLMES WEDDLE & BARCOTT, P.C.

3. /s/ Svetlana P. Spivak

4. Svetlana P. Spivak, WSBA #30478

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15. Attorneys for Defendant Sayak Logistics,
16. LLC d.b.a. Northline Seafoods

17. I certify that this memorandum contains 336
18. words in compliance with the Local Civil
19. Rules.

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25. DEF SAYAK LOGISTICS, LLC' REPLY RE:
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MSJ (FRCP 6(b)) AND/OR SEEKING FRCP 56(d)) - 3
Case No. 2:25-cv-00625-LK

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CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury of the laws of the State of Washington that, on the 8th day of August 2025, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

Attorneys for Plaintiff:

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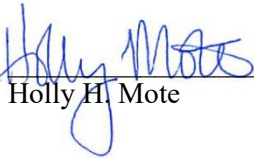
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Holly H. Mote

DEF SAYAK LOGISTICS, LLC' REPLY RE:
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Case No. 2:25-cv-00625-LK

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